IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Andreas Bernkop-Schnurch

Application No.: 09/830,986

Filing Date: May 3, 2001

Group Art Unit: 1617

Examiner: Shahnam J. Sharareh

Confirmation No.: 7285

Title: MUCO-ADHESIVE POLYMERS, USE THEREOF AND METHOD FOR PRODUCING THE SAME

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

☐ A Petition for Extension of Time is also enclosed.

☐   Terminal Disclaimer(s) and the ☐ $65.00 (2814) ☐ $130.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.

☐ Also enclosed is/are _____
_____
_____
_____
_____
_____
_____

☐ Small entity status is hereby claimed.

☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the
☐ $395.00 (2801) ☐ $790.00 (1801) fee due under 37 C.F.R. § 1.17(e).

☐ Applicant(s) requests that any previously unentered after final amendments <u>not</u> be entered. Continued examination is requested based on the enclosed documents identified above.

☐ Applicant(s) previously submitted _____
_____
on _____,
for which continued examination is requested.

☐ Applicant(s) requests suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

Buchanan Ingersoll PC
ATTORNEYS
Including attorneys from Burns Doane Swecker & Mathis

☒ No additional claim fee is required.

☐ An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	82	MINUS 82 =	0	x $50.00 (1202) =	$ 0.00
Independent Claims	16	MINUS 16 =	0	x $200.00 (1201) =	$ 0.00
If Amendment adds multiple dependent claims, add $360.00 (1203)					
Total Claim Amendment Fee					$ 0.00
☐ Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					$ 0.00
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					$ 0.00

☐ A check in the amount of _____ is enclosed for the fee due.

☐ Charge _____ to Deposit Account No. 02-4800.

☐ Charge _____ to credit card. Form PTO-2038 is attached.

    The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
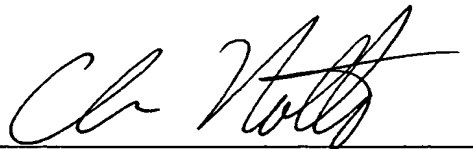
Respectfully submitted,

BUCHANAN INGERSOLL PC

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By _____
    Christopher L. North, Ph.D.
    Registration No. 50,433

Date: December 16, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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)	
Andreas BERNKOP-SCHNÜRCH)	Group Art Unit: 1617
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Application No.: 09/830,986)	Examiner: Shahnam J. Sharareh
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For: MUCO-ADHESIVE POLYMERS,)	
USE THEREOF AND METHOD FOR)	
PRODUCING THE SAME)	
)	

RESPONSE TO NOTICE OF NON-RESPONSIVE REPLY AND SUPPLEMENTAL REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In complete response to the Office Communication mailed on November 16, 2005 Applicant offers the following supplemental reply:

In Applicant's Reply to Restriction Requirement filed on August 15, 2005, Applicant elected, <u>with traverse</u>, Group I – claims 1, 28-33 and 35-38 – which as stated in the July 13, 2005 Office Communication is "drawn to a [mucoadhesive] polymer exhibiting a total work adhesion of more than 120 micro jules to intestinal mucosa at a pH of 7." OFFICE COMMUNICATION OF JULY 13, 2005 at 2. The detailed basis for Applicant's traversal of the restriction requirement, which included Applicant's argument that no serious burden exists since all of the claims were previously examined in the same application, was set forth in the August 15, 2005 Reply and is maintained by Applicant.

The Examiner has also required Applicant to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable.